



FEDERAL ELECTION COMMISSION
Washington, DC 20463

Benjerome Trust
2105 Woodside Road, Suite D
Woodside, CA 94062

SEP 01 2016

RE: MURs 7031 / 7034

Dear Sir or Madam:

The Federal Election Commission ("Commission"), the regulatory agency that administers and enforces the Federal Election Campaign Act of 1971, as amended ("Act"), received two related complaints alleging violations of the Act or Commission regulations. Copies of those complaints are enclosed. Although the complaints do not identify Benjerome Trust by name, the Commission has obtained information related to the allegations indicating that Benjerome Trust may have violated the Act or the Commission's regulations. You are therefore being provided this notice of the complaints and an opportunity to respond, if you wish to do so, to the following allegations. *See* 52 U.S.C. § 30109(a)(1).

The available information indicates that Benjerome Trust is the sole member of a limited liability company, Children of Israel, LLC. The available information also indicates that Children of Israel made four contributions totaling \$550,000 to two independent-expenditure-only committees, Pursuing America's Greatness and Stand For Truth, Inc. The recipient committees attributed each of those contributions solely to Children of Israel. However, those contributions may also have been attributable to Benjerome Trust. As such, it appears that Benjerome Trust may have failed to provide information to the recipient committees regarding the proper attribution of those contributions, as required under the Commission's regulations, *see* 11 C.F.R. § 110.1(g)(5).

Additionally, it appears that in December 2015, Children of Israel made four contributions totaling \$334,000 to the Republican National Committee ("RNC"), a national party committee, and that the RNC attributed those contributions to Children of Israel and to Saul A. Fox, Benjerome Trust's sole trustee. However, those contributions may also have been attributable to Benjerome Trust. Furthermore, available information indicates that in March 2016, Benjerome Trust made four contributions totaling \$334,000 to the RNC, and that the RNC attributed those contributions only to Benjerome Trust. Because both the December 2015 and March 2016 contributions to the RNC may have been attributable to Benjerome Trust, it appears that Benjerome Trust may have made excessive contributions to the RNC under the Act, *see* 52 U.S.C. § 30116(a)(1)(B).

The Office of the General Counsel is reviewing this information to determine whether to recommend to the Commission that there is reason to believe that you violated the Act or Commission regulations. A "reason to believe" finding is not a finding that any person violated

the Act; rather, it means only that the Commission believes a violation may have occurred. Before we make a recommendation to the Commission, we offer you the opportunity to provide a written response to the allegations in the complaint.

Should you choose to respond, you may also submit any materials — including documents or sworn affidavits from persons with relevant knowledge — that you believe may be relevant or useful to the Commission's consideration of this matter. The Commission will take into account any additional information you provide in determining whether to find reason to believe that you violated the Act or Commission regulations. Your response, if you choose to make one, must be submitted in writing within 15 days of receiving this letter, and should reference MURs 7031 / 7034. After 15 days, we will make our recommendations to the Commission. The Commission will then consider the recommendations and take appropriate action.

This matter will remain confidential unless you notify the Commission in writing that you wish the matter to be made public. *See* 52 U.S.C. §§ 30109(a)(4)(B) and 30109(a)(12). Please be advised that, although the Commission cannot disclose information regarding an investigation to the public, it may share information on a confidential basis with other law enforcement agencies.¹

If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission. Please note that you are required to preserve all documents, records, and materials relating to the subject matter of the complaint until we notify you that the Commission has closed its file in this matter. *See* 18 U.S.C. § 1519.

Any correspondence sent to the Commission, such as a response, must be addressed to one of the following (note, if submitting via email this Office will provide an electronic receipt by email):

Mail

Federal Election Commission
Office of Complaints Examination
and Legal Administration
Attn: Donna Rawls
999 E Street, N.W.
Washington, DC 20463

Email

drawls@fec.gov

¹ The Commission has the statutory authority to refer knowing and willful violations of the Act to the Department of Justice for potential criminal prosecution, 52 U.S.C. § 30109(a)(5)(C), and to report information regarding violations of law not within its jurisdiction to appropriate law enforcement authorities. *Id.* § 30107(a)(9).

Sincerely,

W. H. A.

Mark Shonkwiler
Assistant General Counsel